

Health & Social Care Coronavirus Life Assurance Scheme 2020

Business Rules

The Health and Social Care Coronavirus Life Assurance (Northern Ireland) Scheme 2020

Preamble

1. The Health and Social Care (HSC) system is at the forefront of the Assembly's response to the pandemic. A fully functioning and comprehensive health and social care system is essential to saving lives and to beating coronavirus disease.
2. The system was already under pressure before the pandemic, with steps being taken to recruit more staff to fill shortages and boost service capacity. The pandemic is placing increased demand on these vital services. Retired nurses and doctors are being encouraged to return to the frontline, in situations where they are at increased risk compared to the rest of the population. In order to ensure that the right services are delivered in the right place and resources are utilised where they are most needed, the entire HSC system is working together to provide an integrated service.
3. In carrying out these essential services, frontline HSC staff are coming into close, sustained, personal contact with patients and others who have or are suspected to have coronavirus or coronavirus disease, which means that social distancing is not possible. It is essential that these patients are properly cared for.
4. In ensuring this essential system continues, this Scheme recognises the increased risks that frontline HSC staff will face in carrying out their duties during this unprecedented period. It is only right that extra compensation is given to these workers on the frontline of the medical response to the pandemic when we are asking them to return or continue to work despite the increased risks of exposure to the virus.
5. The level of financial protection available for HSC staff who die in service varies. Most HSC staff, but not all, qualify for a death in service benefit through the HSC Pension Scheme, however not all staff choose to participate. Recently retired HSC staff who return to service get less valuable protection; this is because they received a large tax-free lump sum upon retirement. All HSC pensioners are guaranteed a minimum of five years' worth of pension payments, with the balance paid to beneficiaries should they die within five years of retirement.
6. The Department of Health (the Department) has decided to pay a lump sum of £60,000 in respect of the death of HSC staff (including in respect of

a death that occurred before this Scheme was brought into effect) where the Department can reasonably conclude, based on the evidence presented before it, that, in accordance with the conditions of the Scheme, the person's death was caused by coronavirus.

7. Payments will be made in accordance with this Scheme. The Scheme will pay in respect of those coronavirus deaths occurring on or before 31st March 2022. Payments will not be made in respect of any claim made after 31st March 2023.
8. This is not a universal Scheme which will apply to all persons employed in the health and social care sectors. It is for those who are at high risk of contracting coronavirus by reason of the nature of their job. Typically, the Scheme will apply to HSC workers who provide medical treatment or care directly to those suffering from the disease, or, who provide other related services in close proximity with persons suffering from coronavirus. It recognises the risks which are incurred in delivering this care and treatment to coronavirus patients given the pressure the system, and its workforce, are under in delivering this essential service.
9. The lump sum paid is a non-contributory benefit with the cost met by the UK Government. It will be paid in addition to any death benefit from a pension scheme membership that the individual had contributed towards: there will be no offsetting. There is no survivor pension to be paid to dependents under this Scheme. Such pensions would be paid through occupational pension schemes.
10. This document sets out the conditions that govern the Scheme.

Part 1 Preliminary

1. Establishment of the Health and Social Care Coronavirus Life Assurance (Northern Ireland) Scheme 2020, commencement, application and interpretation

1.1 A Scheme is established for the ex gratia payment of a lump sum following a qualifying death in respect of an eligible individual in accordance with the provisions set out in this scheme.

Citation and application

1.2 This Scheme—

- (a) may be cited as the Health and Social Care Coronavirus Life Assurance (Northern Ireland) Scheme 2020;
- (b) has effect from 12:30 p.m. on 20th May 2020; and
- (c) applies to Northern Ireland only.

Interpretation

1.3. In this Scheme;

“the Department” means the Department of Health in Northern Ireland;

“the Scheme manager” has the meaning assigned to it in Part 2;

“eligible individual” has the meaning assigned to it in Part 3;

“APMS contract” means a contract entered into to delivery Primary Care via an Alternative Provider of Medical Services;

“a commissioning contract” means a contract to deliver health and social care services under the delegated authority of the Department;

“a PDS agreement” means an agreement to deliver Primary Dental Services;

“a PMS agreement” means an agreement to deliver Personal Medical Services.

“qualifying death” has the meaning assigned to it in Part 6;

Part 2 Governance

2. Scheme manager

2.1 The Department will act as Scheme manager.

2.2 The Department may arrange for any or all of the Scheme manager’s functions under this Scheme to be performed on the Department’s behalf by the HSC Pension Service (part of the Business Services Organisation).

Part 3 Eligible individuals

3. Eligible individuals

3.1 A person is an eligible individual for the purposes of the Scheme if—

- (a) the person was engaged in the provision of a service as part of the health service or the provision of social care;
- (b) the person was not engaged as a volunteer unless the individual was a registered healthcare professional volunteer;
- (c) the person was one of the following—
 - (i) a person to whom paragraph 4.1, 4.2, 4.3. or 5.1 applies;
 - (ii) a registered healthcare professional volunteer; and
- (d) the Department is satisfied, on the basis of evidence, the person was exposed to a high risk of contracting coronavirus in circumstances where they could not reasonably avoid that risk by virtue of the nature and location of the work which they are contracted to carry out.

4. Health and Social Care service workers

4.1 This paragraph applies to a person employed or engaged—

- (a) by an HSC body within the meaning of section 1(5) of the Health and Social Care (Reform) Act (NI) 2009;
- (b) by any other statutory body constituted under an enactment made by the Department in relation to the health service;
- (c) pursuant to a contract with an HSC body for the provision of staff or services for the health and social care service where the person is engaged with the provision of those services; or
- (d) pursuant to a contract with an HSC body for the provision of public health services where the person is engaged with the provision of those services.

4.2 This paragraph applies to a person providing services pursuant to—

- (a) an APMS contract;
- (b) a commissioning contract;

- (c) a contract or agreement between an HSC trust and a higher education provider covering the provision of HSC services;
- (d) a General Dental Services contract;
- (e) a General Medical Services contract under Article 57 of the Health and Personal Services Order (NI) 1972;
- (f) an integrated care provider contract;
- (g) an HSC standard contract within the meaning of Article 8 of the Health and Personal Services (NI) Order 1991;
- (h) an HSC standard sub-contract;
- (i) a PDS agreement;
- (j) a PMS agreement; or
- (k) a primary medical and dental services contract.

4.3 This paragraph applies to a person employed or engaged—

- (a) a contract of service, or
- (b) a contract for services,

for the provision of adult social services, children's social care services, HSC funded care, or the provision of adult social care by an independent provider registered with the HSC Regulation Quality and Improvement Authority (RQIA).

5. Community Pharmacy workers

5.1 This paragraph applies to a person—

- (a) employed or engaged as a registered community pharmacist; or
- (b) all staff within the premises employed as, or in training to become: registered pharmacists; registered pharmacy technicians; dispensing assistants; or medicine counter assistants.

Part 4 Lump Sum on Qualifying Death

6. Payment under the Scheme

6.1 The Scheme manager may pay a single lump sum of £60,000 in respect of a qualifying death to the appropriate person where a claim is made before 31st March 2023.

6.2 In paragraph 6.1, the “appropriate person” means—

- (a) the eligible individuals’ personal representatives, or
- (b) a person (P) who meets the conditions set out in paragraph 6.3 below, or
- (c) in exceptional circumstances, any person other than those persons specified in paragraphs (a) or b) above who, having regard to the purposes and preamble of the Scheme, the Scheme Manager considers should receive the payment.

6.3. The conditions are that the Scheme manager is reasonably satisfied that for a continuous period of at least two years ending with the eligible individual’s death—

- (a) the eligible individual and P were either married or in a civil partnership or were living together as if married or civil partners;
- (b) the eligible individual and P were financially interdependent or P was financially dependent on the eligible individual; and
- (c) neither the eligible individual nor P were living with a third person as if they were married or civil partners.

7. Qualifying death

7.1 A death is a qualifying death if, and only if, either paragraph 7.2 or 7.3 apply.

7.2 This paragraph applies where—

- (a) the deceased was an eligible individual;
- (b) the death occurred before 31st March 2022
- (c) the Department is reasonably satisfied that—

- (i) it was probable that the eligible individual contracted coronavirus in the course of their work;
 - (ii) the eligible individual first exhibited symptoms of coronavirus disease—
 - (aa) within the period of 14 days, or
 - (bb) such other period as the Department may consider on the basis of medical evidence,
- of being exposed to coronavirus in the course of their work; and
- (iii) that disease was the whole or main cause of the death..

Other Qualifying Individuals

7.3 This paragraph applies if —

- (a) notwithstanding, that the deceased was not an eligible individual within the meaning of Part 3 of the Scheme, having regard to the preamble and the purposes of the Scheme, the Department considers that the person should be treated as if they were an eligible individual;
- (b) the death of the individual referred to in sub-paragraph (a) occurred before 31st March 2022; and
- (c) the Department is reasonably satisfied that—
 - (i) the individual was providing services as part of the HSC health service, adult social services or children’s social care services directly to those with coronavirus or coronavirus disease;
 - (ii) the performance of those functions was likely to have contributed to the death of the individual; and
 - (iii) that disease was the whole or main cause of the death.

Part 5 False representations and withheld information

8. False representations and withheld information

8.1 The Scheme manager may, unless satisfied that it would be unjust—

- (a) refuse to make payment under this Scheme; or

(b) recover any payment made under this Scheme,

if satisfied that the beneficiary or the employer of the eligible individual has made a false representation or withheld information or received a payment under a Scheme referred to in paragraph 10.2, and, as a result, the beneficiary obtained a lump sum under this Scheme to which they would not otherwise be entitled.

8.2 If, under paragraph 8.1, the Scheme manager—

(a) refuses to make, or

(b) decides to recover,

payment, the Scheme manager must give to the beneficiary written notice of its intention to recover the lump sum.

8.3 The beneficiary or the employer of the eligible individual may make representations within 28 days of the notice being given under paragraph 8.2 above.

8.4 After considering the evidence and any representations made, the Scheme manager must give written notice to the personal representatives, beneficiaries and the employer of the deceased individual—

(a) confirming the determination; or

(b) reversing the determination and making the payment or, as the case may be, ceasing recovery of payment.

Part 6 General

9. Effect on existing rights and benefits

9.1 A payment under paragraph 6.1 does not affect any right, privilege or benefit acquired or accrued under any existing registered pension scheme, contract or court order that arises from the said death.

9.2 The benefits of this Scheme are in addition to and do not replace any right to payment that the member may have under any registered pension scheme, contract or court order.

10. Double recovery

10.1 A lump sum payment will only be made once in respect of each qualifying death under this Scheme.

10.2 Payment of a lump sum under this Scheme will not be made if payment has already been made, or will be made, in respect of the eligible individual's death under a scheme established by another jurisdiction within the United Kingdom which the Department is satisfied is established for the same purposes as this scheme.

11. Liability

11.1 Payment of a lump sum under this Scheme does not reflect an acceptance on the part of the Department or any employer of any legal liability in respect of the death in respect of which the lump sum is paid.

12. Determination of questions

12.1 A decision to decline to make an award under Part 4 of the Scheme must be recorded in a written determination of the Scheme manager.

12.2 The Scheme manager must adopt a dispute resolution procedure and determine any questions arising under this scheme in accordance with that procedure.